

CASE NO. 08 CV 3131

ATTACHMENT NO. 1

EXHIBIT B part 2

TAB (DESCRIPTION) _____

1 needed to walk east?

2 A. Because that's closer, you know, closer to
3 the, you know, destination we were trying to get
4 to.

5 Q. And then how did you know you needed to go
6 further south once got to the Lake Shore Drive
7 area?

8 A. Because like when you get there it's --
9 you don't see Soldier Field, so you know it's
10 south. It's just common knowledge.

11 Q. Did anyone else you know see you -- strike
12 that.

13 Did you see anyone else that you knew
14 while you were meeting with Mr. Ames at the Taco
15 Burrito King parking lot?

16 A. No, ma'am.

17 Q. Do you have any idea if any of your
18 friends ever saw you with Mr. Ames at the Taco
19 Burrito King parking lot?

20 A. No, ma'am.

21 Q. Okay. No one came up to you and said,
22 hey, I saw you with Ryan the other day at the
23 parking lot?

24 A. No, ma'am.

1 Q. About how long -- strike that.

2 Do you know about what time you actually
3 arrived at the game?

4 A. 6:45, 7:00, around then.

5 Q. When you arrived at the game did you see
6 anyone else you knew there?

7 A. No, ma'am.

8 Q. From the time that you met up with Ryan
9 Ames at the Taco Burrito King parking lot until the
10 time you arrived at Soldier Field, did you see or
11 speak with anyone else that you know?

12 A. No, ma'am.

13 Q. Did you receive any telephone calls?

14 A. I cannot recall.

15 Q. Did Mr. Ames indicate that he knew anybody
16 from the time that you met up with him at the Taco
17 Burrito King parking lot until the time you arrived
18 at Soldier Field?

19 A. No, ma'am.

20 Q. Had you been to a preseason game before?

21 A. Yes, ma'am.

22 Q. Are those the full four quarters like
23 every other football game?

24 A. Yes, ma'am.

1 Q. And on August 30, 2007, you were wearing a
2 Bears jersey?

3 A. Yes, ma'am.

4 Q. You were wearing a white T-shirt
5 underneath that?

6 A. Yes, ma'am.

7 Q. You were wearing kind of a khaki -- light
8 khaki-colored pants?

9 A. Yes, ma'am.

10 Q. What kind of shoes were you wearing?

11 A. Nike.

12 Q. Lace up?

13 A. Yes.

14 Q. Were they just regular tennis shoes? Were
15 they some sort of hiking boot?

16 A. Tennis shoes.

17 Q. All right. So once you and Mr. Ames
18 reached Soldier Field, you two made your way to
19 your seats?

20 A. Yes, ma'am.

21 Q. Okay. Once you made your way to your
22 seats -- strike that.

23 While you were at Soldier Field did you
24 have anything to eat?

1 A. No, ma'am.

2 Q. While you were at Soldier Field did you
3 have anything of an alcoholic nature to drink?

4 A. No, ma'am.

5 Q. While you were at Soldier Field did you
6 have anything of a nonalcoholic nature to drink?

7 A. No, ma'am.

8 Q. At any time from the time you met up with
9 Mr. Ames to the time that you arrived at Soldier
10 Field, did you have any plan as to how you were
11 going to get home from the game?

12 A. Yes.

13 Q. Okay. What was that plan?

14 A. The same way back most likely.

15 Q. You say most likely. Do you actually
16 remember that you planned to get back by using the
17 same -- like the reverse route of the way --

18 A. At the time, yes.

19 Q. Okay. So it was your -- strike that.

20 Once you were at the game -- strike that,
21 too.

22 Did you and Mr. Ames originally plan to
23 leave the game together?

24 A. Yes.

1 Q. All right. I think you had said that you
2 had taken the Blue Line southbound before?

3 A. Yes.

4 Q. Okay. Have you ever gotten off the Blue
5 Line in the Loop area prior to August 30, 2007?

6 A. Yes.

7 Q. About how many times?

8 A. I cannot recall.

9 Q. More than once?

10 A. Yes.

11 Q. More than a dozen times?

12 A. Yes, ma'am.

13 Q. And on those occasions had you been by
14 yourself?

15 A. Yes, ma'am.

16 Q. Do you know where Michigan Avenue is in
17 relation to the Blue Line stops in the Loop?

18 A. Now I do, yes.

19 Q. Okay. At the time did you have -- strike
20 that.

21 Prior to August 30, 2007, did you know
22 where Michigan Avenue was in relation to the
23 Blue Line?

24 A. I knew it was a few blocks.

1 Q. Did you know whether or not Michigan
2 Avenue was east or west of the Blue Line back
3 before August 30, 2007?

4 A. East.

5 Q. All right. And just so I'm clear, you and
6 Mr. Ames had originally planned on leaving the game
7 together. Would that have been at the conclusion
8 of the game?

9 A. Yes.

10 Q. All right. And once the game would reach
11 its conclusion, you and Mr. Ames had the plan that
12 you would then walk south to the Lake Shore
13 Drive/Jackson area and then west to the Blue Line;
14 is that accurate?

15 A. It would be north.

16 Q. I'm sorry. Let me rephrase that.

17 It was originally your and Mr. Ames' plan
18 to leave the game together at its conclusion, walk
19 north to the Lake Shore Drive and Jackson area,
20 then west to the Blue Line stop?

21 A. Yes, ma'am.

22 Q. Okay. So you planned on getting back on
23 the Blue Line at Jackson where you originally got
24 off?

1 A. Yes, ma'am.

2 Q. Did you and Mr. Ames do any tailgating
3 when you reached Soldier Field prior to taking your
4 seats?

5 A. No, ma'am.

6 Q. You know what tailgating is?

7 A. Yes, ma'am.

8 Q. From the time that you actually left work
9 at approximately 1:30 to the time that you actually
10 left Soldier Field, did you have anything to eat?

11 A. No, ma'am.

12 Q. You're approximately 5'11"?

13 A. Back to that question, you asked from the
14 time I left my house?

15 Q. Let me ask the question again.

16 From the time you left work at
17 approximately 1:30 to the time you ended up leaving
18 Soldier Field, did you have anything to eat?

19 A. Yes, ma'am.

20 Q. Okay. What did you have to eat?

21 A. I cannot recall.

22 Q. Approximately when did you eat?

23 A. 2:45, 3:00, as soon as I got home.

24 Q. So basically you got off work. Once you

1 got home you made yourself something to eat?

2 A. Yes.

3 Q. You just don't remember what it was?

4 A. No, ma'am.

5 Q. Is that the only time that you ate
6 anything, from the time you got off of work until
7 the time you ultimately left Soldier Field?

8 A. Yes, ma'am.

9 Q. And back to my other question, you're
10 approximately 5'11"?

11 A. Yes, ma'am.

12 Q. And back on August 30, 2007, how much did
13 you weigh approximately?

14 A. 160.

15 Q. Okay. Did you have a watch on August 30,
16 2007?

17 A. I cannot recall.

18 Q. How much of the game did you actually see
19 prior to leaving Soldier Field?

20 A. Most of the first quarter almost.

21 Q. So the first quarter actually was not over
22 by the time you left Soldier Field?

23 A. No.

24 Q. You left Soldier Field alone?

1 A. Yes, ma'am.

2 Q. Did you leave before or after Mr. Ames?

3 A. After.

4 Q. At about what point did Mr. Ames leave
5 Soldier Field?

6 A. I cannot recall.

7 Q. Did you stay and watch some of the game
8 after Mr. Ames left?

9 A. No, ma'am.

10 Q. Okay. So Mr. Ames left, and then you
11 pretty much right then got up and left yourself?

12 A. No, ma'am.

13 Q. Okay. So what did you do after Mr. Ames
14 left?

15 A. Walked, walked back towards Lake Shore
16 Drive.

17 Q. Let me ask it this way. Maybe my question
18 was a little confusing, and I just want to make
19 sure.

20 Mr. Ames actually got up and left where
21 you two were seated at Soldier Field before you
22 did?

23 A. After I did.

24 Q. Okay. So you left the game before

1 Mr. Ames?

2 A. No.

3 Q. Okay. Who left the game first or did you
4 leave about the same time?

5 A. He left --

6 MR. FITZSIMMONS: Well, I'm going to object to
7 the form of the question. You're asking him who
8 left the seat, and you're implying in that that
9 leaving the seat is the same as leaving the game.
10 I think that the manner of your phraseology is
11 confusing.

12 MS. MAYHEW: Fair enough. I'll ask it this
13 way.

14 BY MS. MAYHEW:

15 Q. First, while you were at the game from the
16 time you arrived and took your seat until the time
17 you decided you were going to leave Soldier Field,
18 did you at all get up and leave your seat for any
19 reason?

20 A. Yes.

21 Q. Okay. Approximately how many times did
22 you get up and leave your seat?

23 A. One time.

24 Q. Okay. What did you get up and leave the

1 seat for?

2 A. Go get something to eat for me and him.

3 Q. Did you actually get something to eat for
4 you and Mr. Ames?

5 A. No, ma'am.

6 Q. Why is that?

7 A. An altercation happened with me and a
8 person.

9 Q. When you say you and a person, was that
10 person Mr. Ames or someone else?

11 A. Someone else.

12 Q. Okay. When you left your seat to get up
13 and go get something to eat for yourself and
14 Mr. Ames, can you tell me about how far through the
15 game it was?

16 A. Three minutes left in the first quarter.

17 Q. Okay. I've never been inside Soldier
18 Field, so I don't know what the makeup is; but from
19 your seat where you were on August 30, 2007, can
20 you tell me where you had to go to try to get
21 something to eat?

22 A. Down the stairs and then walk through the
23 tunnel to the right and wait in line.

24 Q. Okay. Now -- excuse me, sorry.

1 From the time you took your seat at
2 Soldier Field to the time you decided to leave, did
3 Mr. Ames ever get up and leave his seat for any
4 reason?

5 A. He was waiting for me to come back.

6 Q. Okay. So when you got up to leave the
7 seat to go get something to eat for you and
8 Mr. Ames, he remained seated?

9 A. Yes, ma'am.

10 Q. Okay. So with approximately three minutes
11 left to go in the game, you got up, you walked down
12 the stairs, went through the tunnel; and was there
13 a line at the concession stand?

14 A. There was three minutes left in the first
15 quarter, not the game.

16 Q. Sorry. Fair. Let me rephrase that.

17 With approximately three minutes left in
18 the first quarter, you got up with the intention to
19 go get yourself and Mr. Ames something to eat. You
20 walked down the stairs through the tunnel and
21 approached the concession stand?

22 A. Yes, ma'am.

23 Q. All right. When you got to the concession
24 stand, was there a line?

1 A. Yes, ma'am.

2 Q. Did you get in line?

3 A. Yes, ma'am.

4 Q. All right. You indicated that you ended
5 up not purchasing any food because there had been
6 an altercation between yourself and someone else;
7 is that accurate?

8 A. Yes, ma'am.

9 Q. Had you ever met this person before?

10 A. No, ma'am.

11 Q. Had you ever seen this person before?

12 A. No, ma'am.

13 Q. Can you describe this person?

14 A. Male, white, 30, 35 years of age.

15 Q. What was the altercation about?

16 A. I cannot recall. He just started bumping
17 into me, pushing, shoving me, swearing at me; and
18 then the security broke it up.

19 Q. The altercation that you had with the
20 white male who's approximately 35 years old in line
21 at the concession stand was both a physical and a
22 verbal altercation; is that a fair statement?

23 A. More of a verbal than physical.

24 Q. Okay. When you say more of a verbal than

1 physical, he did bump into you, though?

2 A. Yes, but no harm was done.

3 Q. Okay. How did he bump into you? Was it
4 to the front, back, one of your sides?

5 A. Maybe like, you know, just bumping.

6 You're in line and bump into someone. It was not
7 like a hard one, but it was verbal. Like he barely
8 touched me. I looked and said sorry, and he
9 started swearing.

10 Q. You indicated that security broke it up?

11 A. Well, I was walking away, and they were
12 there. And I tried to leave the stadium; and then
13 they took me and took some information down, and
14 then let me leave the stadium.

15 Q. All right. Following the altercation with
16 this white male, 35 years old, you attempted to
17 leave the stadium, true?

18 A. Yes, ma'am.

19 Q. Did you at all attempt to go back to tell
20 Mr. Ames what had happened?

21 A. No, ma'am.

22 Q. Why did you try to leave the stadium as
23 opposed to going back and talking to Mr. Ames?

24 A. I felt, you know, my safety was

1 threatened.

2 Q. You indicated there was security there.

3 What was your first knowledge of the presence of
4 security after this altercation?

5 A. They wear red coats.

6 Q. Were these security guards in the red
7 coats, were they present when the altercation
8 started, do you know?

9 A. They were not like right next to us, but I
10 don't recall where they were.

11 Q. Okay. Did you ever get the name of the
12 person you were involved in the altercation with?

13 A. No, ma'am.

14 Q. You indicated security guards. Is it they
15 attempted to prevent you from leaving the stadium;
16 is that accurate?

17 A. Yes.

18 Q. Okay. So one of the -- how many security
19 guards were there?

20 A. One.

21 Q. And that security guard approached you as
22 you were attempting to leave the stadium, true?

23 A. Yes.

24 Q. That security guard asked for your

1 information?

2 A. To come with them, they were going to take
3 some information down.

4 Q. Did you go with him?

5 A. Yes.

6 Q. Did you have identification on you that
7 day?

8 A. Yes.

9 Q. What form of identification?

10 A. Identification card and dog tags.

11 Q. A state ID card?

12 A. The California state ID card.

13 Q. You didn't have any other identification
14 with you other than the California identification
15 and dog tags?

16 A. The VISA card, I'll say that one.

17 Q. The VISA was in your name?

18 A. Yes.

19 Q. Have you been in the military?

20 A. No, ma'am.

21 Q. How did you have dog tags?

22 A. Relatives.

23 Q. But they actually had your identifying
24 information on them?

1 A. Yes.

2 Q. And when you went with this security guy,
3 was the male who had been involved in the
4 altercation with him as well?

5 A. No, ma'am.

6 Q. What happened to that guy?

7 A. I do not know.

8 Q. Did you see if he went anywhere from the
9 time that you began to try to leave the stadium to
10 the time the security man caught up with you?

11 A. No, ma'am.

12 Q. How far did you get before the security
13 man actually approached you and said, hey, come
14 with me; let's get some information?

15 A. Not far.

16 Q. Okay. You hadn't reached any sort of
17 tunnel or stairway or anything you needed to
18 actually exit the stadium?

19 A. I was walking down the ramp; and then he
20 was right there, kindly asked me . . .

21 Q. All right. And when you went with him to
22 provide information, did you go into an office of
23 any sort?

24 A. Yes.

1 Q. Do you know where that is in Soldier
2 Field?

3 A. No, ma'am.

4 Q. And when you went into the office with the
5 security gentleman, was the man you had been
6 involved in the altercation with there?

7 A. No, ma'am.

8 Q. Did you at all call any sort of police or
9 any additional security once you arrived in the
10 office with the security man?

11 A. No.

12 Q. Did you request any additional security?

13 A. No. Nothing was -- he was just taking --
14 I wasn't cuffed or anything. He was just taking
15 down information. He let me go. He was very nice.

16 Q. Did he write out any sort of report that
17 you received a copy of?

18 A. No, never received a copy of it.

19 Q. Okay. But you did actually see him
20 filling out some sort of a report?

21 A. Yes.

22 Q. Did you have an attempt or an opportunity
23 to review that report at any time before you left
24 the presence of the security guard?

1 A. No.

2 Q. Do you have any idea what he may have done
3 with the report?

4 A. No.

5 Q. Okay. Did he indicate why he was taking
6 your information and writing a report?

7 A. No. I figured it was just basic, you
8 know . . .

9 Q. If you were concerned for your safety from
10 this male you were involved in the altercation
11 with, may I ask why you didn't call the police or
12 file any formal complaint against him?

13 MR. FITZSIMMONS: Objection. That assumes that
14 the Monterey security person that he was with was
15 not the police or was not responsible for
16 maintaining security and reporting at Soldier
17 Field. Go ahead and answer.

18 BY MS. MAYHEW:

19 Q. You can answer.

20 A. Can you repeat it.

21 MS. MAYHEW: Can you read back the question?

22 (Whereupon, the record was read
23 as requested.)

24 THE WITNESS: Figured I just wanted to leave.

1 He didn't make any harm, you know, to me
2 physically. I figured, yes, I feared my safety;
3 but figured I was safe now. I was with the
4 security guard. I was going to leave, and he was
5 going to take information down and let me leave.
6 So that's why.

7 BY MS. MAYHEW:

8 Q. When you were with the security guard did
9 you tell him -- at any time before you decided to
10 leave, did you tell the security guard that you
11 were afraid for your safety from the altercation of
12 this man?

13 A. Yes.

14 Q. Did he indicate at all that he was going
15 to do anything about that?

16 A. No.

17 Q. What did he say, if at all, about the
18 altercation?

19 A. He said, yes, it happens a lot of times.

20 Q. Okay. Were you at all asked to leave by
21 anyone at Soldier Field?

22 A. Yes.

23 Q. Who asked you to leave?

24 A. The security took me, the one guy took me,

1 took the information; and then they weren't going
2 to let me go back to the game in case, you know, if
3 the so-called guy was there. He was going to, you
4 know -- they didn't want to have anything big
5 happen at the game.

6 Q. Do you know if they asked the other
7 gentleman to leave?

8 A. No.

9 Q. I'm sorry. That was a poor question.

10 No, you don't know if they asked him, or
11 no, they did not ask him?

12 A. I do not know what happened to that man.

13 Q. You said one guy took you into the office
14 for information. Was there at some point another
15 security guy?

16 A. There was other security guards around,
17 but one was just with me. And he was the only one
18 I was talking to. I wasn't talking to anyone else.

19 Q. Did you observe whether these other
20 security guards were talking to this other
21 gentleman involved in the altercation?

22 A. No.

23 Q. Did the security guard actually ask you to
24 leave Soldier Field for your safety?

1 A. Yes, and for the safety of others because
2 you never know what can happen.

3 Q. Did you tell them you were there with
4 someone else?

5 A. No.

6 Q. Did he give you an opportunity to go see
7 Mr. Ames and let him know what was going on?

8 A. No, because I would be walking back
9 through back into the stadium area, you know.

10 Q. When you left Soldier Field were you
11 escorted by anyone?

12 A. No.

13 Q. Did you call Mr. Ames and let him know
14 what happened?

15 A. Yes.

16 Q. Okay. Was he still at the game?

17 A. No.

18 Q. When did you call Mr. Ames to let him know
19 what happened?

20 A. I cannot recall the time.

21 Q. It was before the incident, though, that
22 happened later on that evening?

23 A. When?

24 Q. On August 30, 2007.

1 A. The incident at the --

2 Q. Fair enough. Strike the question. Sorry.

3 When you called Mr. Ames to tell him about
4 the incident with the altercation that you had and
5 security at Soldier Field, was that sometime before
6 the incident that later happened with Metra police
7 officers?

8 A. Yes.

9 Q. Have you been back to Soldier Field since
10 the incident -- the altercation and meeting with
11 the security guard?

12 A. No, ma'am.

13 Q. Why not?

14 A. Haven't. I don't know. Saved my money
15 for different things.

16 Q. Were you ever asked not to return to
17 Soldier Field?

18 A. No.

19 Q. Had you already reached the Jackson/Lake
20 Shore Drive area when you called Mr. Ames to let
21 him know what happened?

22 A. No.

23 Q. Were you in the process of walking from
24 Soldier Field down to the Jackson/Lake Shore Drive

1 area at the time that you called Mr. Ames to let
2 him know about the altercation and security from
3 Soldier Field?

4 A. No, ma'am.

5 Q. Where were you when you called Mr. Ames to
6 let him know what had occurred at Soldier Field?

7 A. Directly outside the stadium.

8 Q. You had indicated that Mr. Ames was no
9 longer at Soldier Field at that time?

10 A. Yes.

11 Q. How do you know he wasn't at Soldier Field
12 at that time?

13 A. Because he said he was heading back up
14 north.

15 Q. Did he say anything to you about why he
16 was heading up north without you?

17 A. He didn't know where I was, you know, yes.

18 Q. Did you ask him to wait for you?

19 A. No. He was already way, you know, a ways
20 from there. It's like, why would he come back.
21 So, no, I didn't ask him to wait.

22 Q. Okay. Well, when you talked to Mr. Ames
23 about the incident that occurred at Soldier Field,
24 he was already heading up north. Do you know

1 approximately where he was at the time that you
2 reached him on the phone?

3 A. No, ma'am.

4 Q. Do you know if he had reached the CTA Blue
5 Line yet?

6 A. No, ma'am.

7 Q. Approximately how long from the time you
8 left your seat to the time you were standing
9 outside the stadium to call Mr. Ames, how much time
10 passed there?

11 A. 40 minutes, maybe 30 to 40.

12 Q. The security personnel that you met with
13 at Soldier Field, do you know if they -- that
14 security guy that you spoke with was a member of
15 any police force or if the security he was involved
16 with was certified police force?

17 A. Monterey Security, that's all I knew it
18 was.

19 Q. Do you know if the security guard from
20 Monterey Security had called the Chicago Police
21 Department about the altercation you were involved
22 in?

23 A. No.

24 Q. Did that security guard give any

1 inclination or did he imply to you that anyone from
2 the Chicago police was on their way to Soldier
3 Field with respect to that altercation?

4 A. No.

5 Q. Approximately what time was it when you
6 began walking north from Soldier Field in an effort
7 to come back towards the Loop to get the Blue Line?

8 A. 8:15, 8:30.

9 Q. And was that accurate, it was still your
10 intention to walk north and then walk west to the
11 Blue Line as was your original plan with Mr. Ames?

12 A. Yes.

13 Q. Okay. Did you call anyone else to tell
14 them about the altercation and meeting with
15 security at Soldier Field other than Mr. Ames?

16 A. No, ma'am.

17 Q. Did you receive any telephone calls from
18 anyone from the time you arrived at Soldier Field
19 to the time you left Soldier Field?

20 A. No, ma'am.

21 Q. Did you make or receive any phone calls
22 from the time you began walking north -- strike
23 that.

24 You began walking north from Soldier

1 Field, true?

2 A. Yes, ma'am.

3 Q. And you were walking north towards the
4 Loop area, true?

5 A. Yes, ma'am.

6 Q. Okay. At some point while you were
7 walking north, did you reach the Lake Shore
8 Drive/Jackson area?

9 A. Yes.

10 Q. About how long did it take you to walk
11 from Soldier Field to the Lake Shore Drive/Jackson
12 area?

13 A. 15 minutes I believe.

14 Q. All right. So is it fair to say you
15 reached the Lake Shore Drive/Jackson area sometime
16 around 8:30, 8:45?

17 A. 8:30, yes.

18 Q. And from the time that you actually began
19 walking north from Soldier Field to the time you
20 arrived at the Jackson/Lake Shore Drive area, did
21 you make or receive any phone calls?

22 A. No, ma'am.

23 Q. What did you do once reached the
24 Jackson/Lake Shore Drive area?

1 A. Proceeded to Bennigan's across from the
2 Art Institute.

3 Q. Okay. So is it fair to say once you
4 actually reached the Jackson/Lake Shore Drive area,
5 you did walk a little bit west in order to get to
6 Michigan Avenue?

7 A. Yes, ma'am.

8 Q. Okay. The Bennigan's across from the Art
9 Institute, that's located -- used to be located at
10 Adams and Michigan Avenue?

11 A. Yes, ma'am.

12 Q. All right. Adams is one stoplight north
13 of Jackson?

14 A. I believe so.

15 Q. Okay. Had you been to this Bennigan's
16 before August 30, 2007?

17 A. Yes, ma'am.

18 Q. So even when you were walking north --
19 strike that.

20 Were you getting hungry as you were
21 walking north from Soldier Field?

22 A. Yes.

23 Q. So you knew that Bennigan's was there
24 because you had been there before?

1 A. Yes.

2 Q. You decided you were going to stop, get
3 something to eat?

4 A. Yes, ma'am.

5 Q. Now, this was summer. So at about 8:30,
6 the approximate time you reached the Jackson/Lake
7 Shore Drive area, was it still light outside? Was
8 it dark? What was it like?

9 A. It was the end of summer, so, you know,
10 7:45, 8:00, it's starting to get kind of dark out.
11 So it was dark out.

12 Q. Okay. Had the sun set completely by the
13 time you reached the Jackson/Lake Shore Drive area?

14 A. Yes.

15 Q. Was your dad expecting you home from the
16 game at any particular time?

17 A. After the game.

18 Q. Did you at all call your dad and tell him
19 what occurred in terms of the altercation and
20 meeting with the security personnel at
21 Soldier Field?

22 A. No, ma'am.

23 Q. Did you give your dad a call, let him know
24 you were going to be home early or anything of that

1 nature?

2 A. No, ma'am.

3 Q. Did you give your dad a call, let him know
4 you were stopping to eat at Bennigan's?

5 A. No, ma'am.

6 Q. Did you call anyone and let them know you
7 were eating at Bennigan's?

8 A. No, ma'am.

9 Q. Did you receive any phone calls from the
10 time you reached the Lake Shore Drive/Jackson area
11 to the time you got to Bennigan's?

12 A. No, ma'am.

13 Q. Okay. The Bennigan's on August 30, 2007,
14 was located at Adams and Michigan. It's since
15 closed down, right?

16 A. I cannot -- I do not know.

17 Q. Okay. Fair enough.

18 You were alone at the time you reached
19 Bennigan's?

20 A. Yes, ma'am.

21 Q. From the time of the altercation -- strike
22 that.

23 From the time you departed security at
24 Soldier Field to the time you arrived at

1 Bennigan's, did you meet up with anyone else that
2 you knew?

3 A. From the time I left Soldier Field and I
4 got to Bennigan's?

5 Q. Yes.

6 A. When I -- while I was at Bennigan's,
7 though?

8 Q. Before you were there, just like when you
9 arrived at Bennigan's.

10 A. No, ma'am.

11 Q. All right. When you arrived at Bennigan's
12 was there anyone you knew there?

13 A. Yes, ma'am.

14 Q. Who?

15 A. A waitress by the name of Haven.

16 Q. Is that spelled like it sounds, H-a-v-e-n?

17 A. Yes, ma'am.

18 Q. Do you know Haven's last name?

19 A. No, ma'am.

20 Q. How did you know Haven?

21 A. I would go in there a lot. She was a
22 waitress, so I talked to her.

23 Q. You only knew her in her capacity as a
24 waitress at Bennigan's?

1 A. Yes, ma'am.

2 Q. You never met with her outside of
3 Bennigan's?

4 A. No, ma'am.

5 Q. Did you know before you arrived at
6 Bennigan's on August 30, 2007, what Haven's shift
7 was at Bennigan's?

8 A. No.

9 Q. Before you arrived at Bennigan's on
10 August 30, 2007, did you have any idea whether or
11 not Haven would actually be working that evening?

12 A. No, ma'am.

13 Q. So you arrived at Bennigan's. And once
14 you got there did you have a table, have a seat
15 somewhere?

16 A. Yes, ma'am.

17 Q. Did you see Haven before or after you had
18 a seat at Bennigan's?

19 A. After I had a seat.

20 Q. Was she your waitress that night?

21 A. Yes.

22 Q. Other than Haven the waitress, did you see
23 anyone else that you knew at Bennigan's?

24 A. No, but they -- like how they have it is

1 like they have a few waiters, waitresses.
2 Sometimes like one will bring you the food, another
3 will bring you your drink. So it's like her and
4 some other person. I don't recall.

5 Q. So throughout the time that you were at
6 Bennigan's, at some point Haven may have actually
7 brought you something to the table?

8 A. Yes.

9 Q. But she wasn't necessarily your assigned
10 waitress?

11 A. Yes.

12 Q. Okay. Did you tell Haven about the
13 incident regarding the altercation at Soldier
14 Field?

15 A. No.

16 Q. Did you order something to eat at
17 Bennigan's?

18 A. Yes.

19 Q. What did you have?

20 A. A cheeseburger.

21 Q. It came with a side of fries?

22 A. Yes, ma'am.

23 Q. Did you eat the fries and the
24 cheeseburger?

1 A. Yes, ma'am.

2 Q. Did you have anything else to eat besides
3 the cheeseburger and the fries while you were at
4 Bennigan's?

5 A. I cannot recall.

6 Q. Did you have anything of an alcoholic
7 nature to drink while you were at Bennigan's?

8 A. No, ma'am.

9 Q. Did you have anything of a nonalcoholic
10 nature to drink while you were at Bennigan's?

11 A. Yes, ma'am.

12 Q. You had like a soda or water?

13 A. Yes, soda.

14 Q. The state identification that you had with
15 you, we previously talked a little bit about. You
16 indicated that was a California state
17 identification?

18 A. Yes, ma'am.

19 Q. A California driver's license?

20 A. Yes, ma'am.

21 Q. Indicated your address was 6119 Sonoma
22 Way?

23 A. Yes, ma'am.

24 Q. It indicated your date of birth was

1 November 27, 1985?

2 A. Yes, ma'am.

3 Q. Did you at all have any Illinois
4 identification, not just on you; but did you have
5 any Illinois identification as of August 30, 2007?

6 A. Yes, ma'am.

7 Q. Did that Illinois identification identify
8 your address as 6119 North Mason in Chicago?

9 A. No, ma'am.

10 Q. Okay. What address did it have for you?

11 A. 5040.

12 Q. The Illinois identification, was that a
13 state ID or a driver's license?

14 A. Driver's license.

15 Q. The identification you had with you on
16 that evening, August 30, 2007, with the date of
17 birth of 1985 indicated you were 21 on that date,
18 on August 30, 2007?

19 A. Yes, ma'am.

20 Q. You were not, in fact, 21 at the time?

21 A. Yes, ma'am.

22 Q. Let me rephrase that.

23 You were not 21 on August 30, 2007?

24 A. No, I was not 21.

1 Q. Why did you have with you a state
2 identification from a state you had never lived in?

3 A. Why does any kid have, you know -- it's
4 the thing, you know, a lot of teenagers have.

5 Q. When you say a thing a lot of teenagers
6 have, you're talking about a fake ID, yes?

7 A. Yes, ma'am.

8 Q. Okay. So you had the fake ID to indicate
9 you were 21 so that if you wanted something of an
10 alcoholic nature, that's the identification you
11 could show?

12 A. Yes, ma'am.

13 Q. You knew that it was a crime for someone
14 under the age of 21 in Illinois as of August 30,
15 2007, to drink alcohol?

16 A. Yes, ma'am.

17 Q. You also knew that having a fake
18 identification regardless of whether other
19 teenagers had them, you knew that having fake
20 identification was also a crime in Illinois as of
21 August 30, 2007?

22 A. Yes, ma'am.

23 MS. MAYHEW: Can we take a quick break?

24 MR. FITZSIMMONS: Sure.

1 (Whereupon, a short break was
2 taken.)

3 MS. MAYHEW: Back on the record. It's 215.

4 BY MS. MAYHEW:

5 Q. Matthew, before I start getting into the
6 complaint itself, I do have a couple more questions
7 I missed earlier.

8 First of all, as you were walking north
9 from -- strike that.

10 As you were going either to or from
11 Soldier Field walking, was there anything going on
12 at Grant Park that weekend, any particular
13 festival?

14 A. I do not recall.

15 Q. And this was a Thursday night, right?

16 A. Yes.

17 Q. Have you been back to that Bennigan's
18 since August 30, 2007?

19 A. No.

20 Q. Have you heard from Haven since August 30,
21 2007?

22 A. No, ma'am.

23 Q. Have you seen Haven since August 30, 2007?

24 A. No, ma'am.

1 Q. Do you have any idea what Haven's last
2 name is?

3 A. No, ma'am.

4 Q. All right. When you were meeting with the
5 security personnel at Soldier Field, did you show
6 that security person the identification that you
7 had on you at that time?

8 A. Yes.

9 Q. Did that security -- was it a man?

10 A. Yes.

11 Q. Okay. Did that security man say anything
12 about the ID being a fake ID?

13 A. No, ma'am.

14 Q. Okay. Did he take down all of your
15 information directly from that fake ID as far as
16 you know?

17 A. I believe so.

18 Q. He wasn't just asking you where do you
19 live, and then you orally told him?

20 A. No, ma'am.

21 Q. Just to be clear, the only identification
22 you had on you that evening was the California ID?

23 A. I had a VISA card and dog tags.

24 Q. Okay. The only identification you had

1 that was a state identification of any sort was the
2 California ID?

3 A. Yes.

4 Q. All right. When you were with the
5 security man at Soldier Field, did he ask at all
6 who you were at Soldier Field with?

7 A. No, ma'am.

8 Q. What race was the security guard at
9 Soldier Field?

10 A. White.

11 Q. You indicated it was Monterey Security
12 Services. Was that on a uniform somewhere or how
13 did you know it was Monterey?

14 A. The jacket.

15 Q. Had you ever seen that particular security
16 guard at Soldier Field before August 30, 2007?

17 A. No, ma'am.

18 Q. All right. Back to Bennigan's, you
19 ordered a cheeseburger, came with fries, you got a
20 soda, right?

21 A. Yes, ma'am.

22 Q. You ate all that?

23 A. Yes.

24 Q. Did you order anything else while you were

1 at Bennigan's?

2 A. I do not recall.

3 Q. Okay. Did you get a check?

4 A. Yes.

5 Q. All right. Did you pay your check?

6 A. Yes.

7 Q. How did you pay it, cash, credit card?

8 A. Cannot recall.

9 Q. Do you remember how much money in terms of
10 cash you actually had on you when you left Taco
11 Burrito King on August 30, 2007, to head to the
12 game?

13 A. No, ma'am.

14 Q. Was it more than 20 bucks, do you know?

15 A. Do not recall.

16 Q. All right. You indicated that while you
17 were standing still outside Soldier Field, but
18 before you began walking towards the Loop, that you
19 managed to actually get in touch with Ryan Ames?

20 A. Yes.

21 Q. And that was from your cell phone to his
22 cell phone?

23 A. No, ma'am.

24 Q. How did you actually get in touch with

1 Ryan Ames?

2 A. I asked someone that was walking by if I
3 could borrow their phone.

4 Q. Why didn't you use your phone?

5 A. It was dead.

6 Q. Do you know approximately when that day
7 your cell phone died?

8 A. Well, the battery went out.

9 Q. Okay. So at some point on August 30,
10 2007, the cell phone that you had with you, the
11 battery died or went out?

12 A. Yes.

13 Q. Okay. And that -- do you have any idea
14 what time during that day that happened? Was it
15 while you were at the game, before the game?

16 A. As I probably got to the game, before -- I
17 don't recall really.

18 Q. So someone allowed you to use their cell
19 phone to contact Ryan?

20 A. Yes.

21 Q. Okay. And you called Ryan's cell phone?

22 A. Yes.

23 Q. All right. Did Ryan say anything to you
24 that he was trying to get in touch with you or find

1 out where you went or anything like that?

2 A. He asked where I was.

3 Q. Okay. And that's when you proceeded to
4 tell him about the altercation and --

5 A. Yeah.

6 Q. -- the security guard at Soldier Field?

7 A. Yes.

8 Q. All right. And you understood that he was
9 already heading back up north, back towards home?

10 A. Yes.

11 Q. Okay. And how was he getting there, did
12 he say?

13 A. No.

14 Q. So you don't know if he actually went with
15 the Blue Line which was the original plan?

16 A. Do not know.

17 Q. Okay. And was that the last that you
18 spoke with Ryan that entire evening?

19 A. Yes.

20 Q. Okay. Was it your intention to ultimately
21 go back home to 5040 North Nottingham on August 30,
22 2007?

23 A. Yes, ma'am.

24 Q. Okay. At any time from the time that your

1 mother moved to Valparaiso to August 30, 2007, did
2 you stay with your mom at her address in
3 Valparaiso?

4 A. Yes.

5 Q. How often did you stay there?

6 A. It varied.

7 Q. Now, you were 19 in August of 2007. I
8 understand your parents divorced some time ago,
9 true?

10 A. Yes.

11 Q. Your mother had been the custodial parent?

12 A. Yes.

13 Q. Once you reached majority of age, did they
14 let you decide who you wanted to live with?

15 A. Yes.

16 Q. So you chose to live with your dad?

17 A. I lived with my mother.

18 Q. Okay. You lived with your mother until
19 she sold 6119 North Mason?

20 A. Yes.

21 Q. And you decided you wanted to stay in the
22 Chicagoland area?

23 A. Yes, ma'am.

24 Q. So you didn't reside on a permanent basis

1 with your mother after 6119 North Mason was sold?

2 A. Correct.

3 Q. Was there any reason why your mother would
4 be expecting you on August 30, 2007?

5 A. No.

6 Q. Okay. How would you typically get to
7 Valparaiso when you would go to see her?

8 A. South Shore train, Millenium Park.

9 Q. Had you taken the South Shore to the
10 Valparaiso area prior to August 30, 2007?

11 A. Yes.

12 Q. What stop do you have to get off at
13 actually for Valparaiso?

14 A. Do not recall. I think -- I do not
15 recall.

16 Q. You actually had been to Millenium Station
17 prior to August 30, 2007?

18 A. Yes.

19 Q. How many times had you been to Millenium
20 Station prior to August 30, 2007?

21 A. I don't recall.

22 Q. More than once?

23 A. Yes.

24 Q. Would you say more than a dozen times?

1 A. No.

2 Q. All right.

3 A. We get on sometimes at Van Buren or
4 Roosevelt. There's another stop. I don't know the
5 name of it.

6 Q. Okay.

7 A. There's a few stops you could start,
8 though.

9 Q. All right. Can you tell me about how long
10 you were actually at Bennigan's before leaving?

11 A. Hour, 15, until 10:00.

12 Q. Okay. Had you managed to call anyone
13 while you were at Bennigan's?

14 A. Yes.

15 Q. Who did you call?

16 A. Girlfriend.

17 Q. And how did you call her?

18 A. Pay phone.

19 Q. Okay. And your girlfriend, that was
20 Denise at the time?

21 A. Yes.

22 Q. And you called Denise before you left
23 Bennigan's?

24 A. Yes.

1 Q. What did you tell Denise?

2 A. Seeing if I could get a ride.

3 Q. Do you know where Denise was that evening
4 when you called her?

5 A. By my neighborhood.

6 Q. North side of Chicago?

7 A. Yes.

8 Q. What's Denise's address?

9 A. I don't know it offhand.

10 Q. Do you know what street she lives on?

11 A. It's an old street, but I don't really
12 know it.

13 Q. Can you tell me how you would get to her
14 place from 5040 North Nottingham?

15 MR. FITZSIMMONS: Let's go off the record for a
16 minute.

17 (Whereupon, a discussion
18 was had off the record.)

19 BY MS. MAYHEW:

20 Q. All right. When you called Denise from
21 Bennigan's and asked for a ride, did you have any
22 occasion to tell her about what occurred at Soldier
23 Field?

24 A. It was not that big of a deal.

1 Q. Did you tell her about what happened at
2 Soldier Field?

3 A. At the time or after?

4 Q. I'll rephrase my question.

5 While you were at Bennigan's on the phone
6 with Denise asking for a ride, at that time during
7 that telephone conversation did you say anything to
8 her about what happened at Soldier Field?

9 A. No.

10 Q. Okay. Did she ask why you needed a ride
11 home?

12 A. No.

13 Q. Why were you asking for a ride home
14 instead of taking public transportation?

15 A. I was lazy.

16 Q. So you asked Denise for a ride. What did
17 she say?

18 A. She couldn't come downtown.

19 Q. Did she give you the name or phone number
20 of anyone else to call to ask for a ride?

21 A. No.

22 Q. Did you have any other phone numbers on
23 you, people you could have called for a ride?

24 A. No.

1 Q. Did you call anyone other than Denise from
2 Bennigan's?

3 A. Yes.

4 Q. Who?

5 A. A friend named Lauren.

6 Q. Can you spell that?

7 A. L-a-u-r-e-n.

8 Q. Is Lauren male or female?

9 A. Female.

10 Q. Where was Lauren at the time you called
11 her on August 30, 2007?

12 A. North side.

13 Q. What's Lauren's last name?

14 A. Fuller, F-u-l-l-e-r.

15 Q. Thank you.

16 When you talked to Lauren from Bennigan's,
17 did you tell her about what happened at Soldier
18 Field?

19 A. No.

20 Q. You asked Lauren for a ride?

21 A. Yes.

22 Q. What did she say?

23 A. Couldn't come downtown.

24 Q. You said you were using a pay phone at

1 Bennigan's?

2 A. I believe there was one out in the street
3 or inside. I don't recall really.

4 Q. Was this one of those pay phones that
5 takes credit cards or would it only take change?

6 A. Change.

7 Q. Pay phones are what, 50 cents a call?

8 A. I don't know what it was. I don't recall
9 at the time.

10 Q. Did you have to get change from anybody
11 inside Bennigan's to be able to actually use the
12 pay phone?

13 A. No.

14 Q. You already had coins with you?

15 A. Yes. At the time, yes.

16 Q. All right. Other than Denise and Lauren,
17 did you call anyone else while you were at
18 Bennigan's?

19 A. No, ma'am.

20 Q. Did either Denise or Lauren ask why you
21 weren't using your cell phone?

22 A. Can't recall.

23 Q. So you called Denise. You called Lauren.
24 Then what did you do?

1 A. Contemplated which, you know, how I was
2 going to get back.

3 Q. Were you already finished eating at that
4 time?

5 A. Yes.

6 Q. Had you already paid your bill at that
7 time?

8 A. Yes.

9 Q. Okay. Why didn't you call your dad to
10 come get you?

11 A. Because I didn't -- it was late, that's
12 why. Got to be up the next morning, you know.

13 Q. Do you know if the South Shore had anymore
14 I guess scheduled runs that evening still?

15 A. Don't recall.

16 Q. You hadn't made plans at all with your mom
17 to go meet her or anything like that?

18 A. No.

19 Q. All right. So you got off the phone. No
20 one was going to be able to get you. You
21 contemplated what you were going to do. What did
22 you decide?

23 A. Decided I was going to take the Metra
24 back.

1 Q. And had you taken Metra from the downtown
2 Loop area back to the area where you lived before
3 August 30, 2007?

4 A. Yes.

5 Q. What line would you take?

6 A. Union Station.

7 Q. Okay. What stop would you get off at?

8 A. Edgebrook.

9 Q. Did you know the train schedule so that on
10 August 30, 2007, you knew what time you would need
11 to get on the train to head up home?

12 A. No.

13 Q. You didn't have a copy of the train
14 schedule on you?

15 A. No.

16 Q. Had you actually taken Metra from Union
17 Station to Edgebrook prior to August 30, 2007?

18 A. Yes.

19 Q. Approximately how many times?

20 A. Cannot recall.

21 Q. Okay. You knew where Union Station was in
22 relation to the Bennigan's at Adams and Michigan
23 Avenue as of August 30, 2007, true?

24 A. No.

1 Q. So you did not know where Union Station
2 was in relation to the Bennigan's that you had just
3 eaten at on August 30, 2007?

4 A. I had an idea in my head.

5 Q. What was that idea?

6 A. That it was by the Wrigley building.

7 Q. Okay. So is that what you decided to do
8 since you had planned on taking the Metra from
9 Union Station? At the time you believed that Union
10 Station was near the Wrigley building, you began to
11 walk towards the Wrigley building?

12 A. Yes, northbound.

13 Q. Where is the Wrigley building?

14 A. Michigan Avenue and before Ohio, I don't
15 know the exact address.

16 Q. Did you have to stop and ask anyone for
17 directions to Union Station?

18 A. No.

19 Q. When was the last time you had taken the
20 train from Union Station prior to August 30, 2007?

21 A. Cannot recall.

22 Q. Was it within the month before the
23 incident?

24 A. No.

1 Q. Okay. It was before that, longer than a
2 month?

3 A. Yes.

4 Q. All right. And when you did take it from
5 Union Station, did you take it by yourself or were
6 you with people?

7 A. Cannot recall.

8 Q. Was it in the six months prior to
9 August 30, 2007?

10 A. I cannot recall.

11 Q. Typically what mode of transportation did
12 you use if you needed to come from your home
13 downtown to the Loop area?

14 A. Blue Line or Metra.

15 Q. Can you tell me on about how many
16 occasions you had actually gotten off of Metra at
17 Union Station prior to August 30, 2007?

18 A. No.

19 Q. More than once?

20 A. Yes.

21 Q. Okay. Would you say half a dozen times at
22 least?

23 A. Cannot recall.

24 Q. And prior to August 30, 2007, had you had

1 occasion to take Metra and get off at Union Station
2 by yourself?

3 A. Cannot recall.

4 Q. All right. When you left Bennigan's and
5 you were getting ready to proceed northbound on
6 Michigan Avenue, how would you characterize I guess
7 pedestrian traffic? Were there a lot of people,
8 just a few people here and there, can you describe
9 it for me?

10 A. There was a good amount of people out
11 there.

12 Q. As you were going northbound on Michigan
13 Avenue towards the Wrigley building and you had --
14 would you have occasion to actually have to stop
15 for a traffic light for crossing the street?

16 A. Cannot recall.

17 Q. Which side of Michigan Avenue were you
18 walking north on? Were you on the east side or the
19 west side?

20 A. West side.

21 Q. And as you were walking northbound on
22 Michigan Avenue towards the Wrigley building, at
23 some point you encountered a woman who has now been
24 identified as Deborah Coleman, true?

1 A. No, ma'am.

2 Q. No, okay.

3 So you were walking northbound on the west
4 side of Michigan Avenue towards the Wrigley
5 building. What happened?

6 A. I decided to turn back.

7 Q. Okay. So let me ask you this.

8 You decided to go north on Michigan
9 Avenue, and so you did proceed to walk northbound
10 on Michigan Avenue towards the Wrigley building,
11 true?

12 A. Yes.

13 Q. Okay. How far north did you get on
14 Michigan Avenue before you decided to turn back?

15 A. There's a busy street after Randolph. I
16 don't know the name of the street, though.

17 Q. So you got slightly north of Randolph?

18 A. More than north, a good block and a half
19 past. There was like a CVS over there.

20 Q. Why did you decide to turn back?

21 A. I only had two dollars on me.

22 Q. What would the fare have been for you to
23 take the train, the Metra to Edgebrook?

24 A. At the time I believe it was

1 three-something.

2 Q. All right. So is it fair to say that as
3 you were walking northbound on Michigan Avenue you
4 got to about a block and a half north of Randolph
5 when you realized you did not have enough money to
6 cover the fare to take Metra up to Edgebrook?

7 A. Yes, ma'am.

8 Q. All right. Because you did not have
9 enough money to cover the fare to take Metra up to
10 Edgebrook, you realized you had to go back and find
11 some other means to get home?

12 A. Yes.

13 Q. Okay. And what other means did you decide
14 to take home?

15 A. The Blue Line.

16 Q. All right. So from the point where you
17 realized that you didn't have enough money to cover
18 the fare to take the Metra up to Edgebrook, in
19 terms of your physical location what route did you
20 plan on taking to get to the Blue Line?

21 A. Go to Clark and lake.

22 Q. And had you been on the Blue Line at Clark
23 and Lake prior to August 30, 2007?

24 A. Yes.

1 Q. Had you gotten on at that station before?

2 A. Yes.

3 Q. And you had gotten off at that station

4 before?

5 A. Yes.

6 Q. So you were a block and a half north of

7 Randolph. You decided to turn back.

8 Now, where was Clark Street in relation to

9 where you were at the time?

10 A. I believe west. Yeah, west.

11 Q. And did you know that as of -- or strike

12 that.

13 Did you have that idea that it was west as

14 of August 30, 2007?

15 A. Yes.

16 Q. Do you know where Lake Street was in

17 relation to Randolph?

18 A. I know if you just walk down Randolph

19 about a mile, you can hit Clark and Lake.

20 Q. When you say walk down Randolph, you mean

21 west on Randolph?

22 A. Yes.

23 Q. So it was your intention then once you

24 were originally a block and a half north of

1 Randolph to turn back, walk to Randolph and then
2 west to Clark and Lake?

3 A. Yes.

4 Q. You turned around, and then you started
5 walking southbound on Michigan Avenue towards
6 Randolph, true?

7 A. Yes.

8 Q. And was it as you were walking southbound
9 on Michigan Avenue towards Randolph that you
10 encountered a woman we now know as Deborah Coleman?

11 A. Yes.

12 Q. As you were walking southbound on Michigan
13 Avenue you were still on the west side of the
14 street?

15 A. Yes.

16 Q. Did you at all see Ms. Coleman when you
17 were walking northbound on Michigan Avenue?

18 A. Do not recall.

19 Q. As you were walking southbound on Michigan
20 Avenue, where were you when you first observed
21 Miss Coleman?

22 A. Walking by the 7-Eleven.

23 Q. When you first saw Miss Coleman while you
24 were walking by the 7-11, what was she doing? Was

1 she sitting, standing, walking?

2 A. Standing.

3 Q. Was anyone with her?

4 A. No.

5 Q. When you were walking northbound on
6 Michigan Avenue originally, did you see anyone
7 standing outside of the 7-11?

8 A. Cannot recall.

9 Q. When you first observed the woman we now
10 know to be Deborah Coleman, was she standing
11 outside the 7-11?

12 A. When I was walking southbound?

13 Q. Yes.

14 A. Yes.

15 Q. And when you first observed Miss Coleman
16 while you were walking southbound and she was
17 standing outside the 7-11, did she have anything in
18 her hands?

19 A. Yes.

20 Q. What did she have?

21 A. Cup.

22 Q. Did she have anything else in her hands
23 other than a cup?

24 A. No.

1 Q. What kind of cup was it, Styrofoam,
2 plastic, glass?

3 A. Cannot recall. Not a glass, though.

4 Q. When you first observed Miss Coleman as
5 you were walking southbound on Michigan Avenue, did
6 you hear her say anything?

7 A. Yes.

8 Q. Okay. What did you hear her say?

9 A. She asked me for a quarter.

10 Q. Did you hear her say anything to anyone
11 even if it was herself before she actually asked
12 you directly for a quarter?

13 A. Cannot recall.

14 Q. Okay. I'm going to go ahead and mark this
15 as Deposition Exhibit Number 2, a copy of the first
16 amended complaint which is the one that ultimately
17 identifies all names; and I think is the most
18 current one on file.

19 (Whereupon, Granberg Deposition
20 Exhibit No. 2 was marked for
21 identification.)

22 BY MS. MAYHEW:

23 Q. When you observed Miss Coleman while you
24 were walking southbound on Michigan Avenue, you saw

1 she had a cup in her hand. Which hand was it in?

2 A. I don't recall.

3 Q. Did you have an opportunity to see what
4 was in the cup?

5 A. No.

6 Q. Was she shaking the cup at all?

7 A. Yes.

8 Q. Okay. Could you hear anything inside the
9 cup when she shook it?

10 A. Yes.

11 Q. What did you hear?

12 A. Change.

13 Q. Do you know how long Miss Coleman had been
14 standing outside that 7-11 before you saw her while
15 you were walking southbound on Michigan?

16 A. No, ma'am.

17 Q. Do you know if she asked anyone else for
18 change that evening?

19 A. No, ma'am.

20 Q. Did you see whether Miss Coleman was
21 wearing a watch?

22 A. No, ma'am.

23 Q. No, you didn't observe it or --

24 A. Didn't observe.

1 Q. Sorry, that was a poor question on my
2 part.

3 Did she have any papers with her at all?

4 A. Do not recall.

5 Q. Was she wearing any sort of identification
6 that was visible to you as you were proceeding
7 southbound on Michigan Avenue?

8 A. No.

9 Q. She didn't have any sort of lanyard with a
10 badge or anything like that?

11 A. No.

12 Q. By badge, I mean just identification
13 badge.

14 A. No, ma'am.

15 Q. Can you please describe for me what
16 Miss Coleman looked like?

17 A. Female, black, 35 to 40.

18 Q. About how tall was she?

19 A. 5'7".

20 Q. Do you have an estimate about her weight?

21 A. Skinny.

22 Q. Did she have glasses?

23 A. I do not recall.

24 Q. What did her hair look like?

1 A. It was dark out, so -- it was not blonde.

2 Q. Was it short, long, medium length?

3 A. I do not recall.

4 Q. What was she wearing?

5 A. Hoodie, jeans as I recall.

6 Q. Was the hood up or down?

7 A. Down.

8 Q. Can you tell me what color the hoodie was
9 at all?

10 A. I do not recall.

11 Q. You said it was dark. Was there any
12 street lighting right outside the 7-11 where you
13 encountered Miss Coleman?

14 A. Yes.

15 Q. Was there any light actually coming from
16 the 7-11 out shining onto the sidewalk when you
17 encountered Miss Coleman?

18 A. Do not recall.

19 Q. Were all the streetlights in the area
20 actually functioning?

21 A. Do not recall.

22 Q. Okay. Well, I know you said it was dark.
23 You couldn't really tell what color her hair was,
24 not blonde; but you were able to see where you were

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1 walking?

2 A. Yes.

3 Q. You could actually visualize Miss Coleman
4 standing outside the 7-11?

5 A. Yes.

6 Q. Okay. You could see people in the general
7 vicinity?

8 A. Yes.

9 Q. Okay. Were there people across the
10 street?

11 A. Yes.

12 Q. You could see them?

13 A. Yes.

14 Q. Okay. Maybe not every little detail, but
15 you could certainly tell there were people walking
16 across the street, true?

17 A. Yes.

18 Q. Were there any people in front of you
19 walking southbound on Michigan Avenue?

20 A. Do not recall.

21 Q. Was there anyone walking behind you
22 southbound on Michigan Avenue?

23 A. Do not recall.

24 Q. And this is an area where you got the 7-11

1 on the west side of the street, and then there's
2 some kind of apartment/business building on the
3 east side of the street?

4 A. Do not recall.

5 Q. From where you were when you encountered
6 Miss Coleman outside the 7-11 On Michigan Avenue,
7 do you know where Millenium Station was in relation
8 to that?

9 A. Yes.

10 Q. Where was Millenium Station in relation to
11 this 7-11?

12 A. Corner of Randolph and Michigan.

13 Q. Prior to August 30, 2007, were you aware
14 that Metra had a police force?

15 A. I assumed.

16 Q. Why did you assume?

17 A. Mostly -- I mean, CTA has a police force,
18 you know.

19 Q. Had your dad ever talked about having to
20 work in any capacity with any Metra police
21 officers?

22 A. No.

23 Q. Had he ever talked about the Metra police
24 force in any way?

1 A. No, ma'am.

2 Q. Had you heard any other officers maybe
3 your dad worked with that said anything ever about
4 Metra police officers?

5 A. No, ma'am.

6 Q. You talked about the CTA police. You knew
7 that CTA police had powers to arrest just like
8 Chicago police?

9 A. No.

10 Q. The Metra police, did you have any idea
11 whether or not the Metra police actually had the
12 power to arrest people as of August 30, 2007?

13 A. No.

14 Q. Okay. Had you ever inquired to anyone
15 about whether or not the Metra police could arrest
16 people?

17 A. No.

18 Q. What did you think the Metra police were
19 for?

20 A. For security and if something gets out of
21 hand.

22 Q. Now, coming from a family with a police
23 officer, your dad as a police officer, is it fair
24 to say that growing up you knew that if a police

1 officer asked you to stop, that you should stop?

2 A. Yes. A police officer, yes.

3 Q. That's something your dad had discussed
4 with you?

5 A. No.

6 Q. That's just something you learned as you
7 were growing up?

8 A. Yes.

9 Q. Were you taught how to recognize a police
10 officer by what they're wearing?

11 A. Yes.

12 Q. When were you taught how to recognize a
13 police officer by what the officer is wearing?

14 A. The show Chips.

15 Q. Does your dad have a uniform?

16 A. Yes.

17 Q. What's that uniform consist of?

18 A. Blue uniform, Chicago police.

19 Q. Your dad has a badge?

20 A. Yes.

21 Q. He wears that badge on the outside of his
22 uniform?

23 A. Yes.

24 Q. He also wears a bullet proof vest?

1 A. Yes.

2 Q. He wears that on the outside of his
3 uniform?

4 A. No. It's -- you wear the shirt over the
5 bullet proof vest.

6 Q. Can you tell he's got the vest on when
7 he's got the shirt on top of it?

8 A. Yes.

9 Q. The vest is kind of thicker, makes it
10 stick out a little bit more?

11 MR. FITZSIMMONS: I'm going to object to this
12 form of the questioning, Counsel. If you want to
13 testify, you're welcome to. Stick to questions.

14 MS. MAYHEW: That's what I'm asking.

15 MR. FITZSIMMONS: Thank you.

16 BY MS. MAYHEW:

17 Q. It's a question. You can answer.

18 A. Well, if it's a skinny guy, then no. It
19 depends, you know.

20 Q. Does your dad's uniform have any stripes
21 on the pants?

22 A. No.

23 Q. Okay. Now, you said you had seen CTA
24 police officers before, true, before August 30,

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1 2007?

2 A. I know that it's called Mass Transit.

3 Q. Had you ever seen a CTA police officer
4 before August 30, 2007?

5 A. No.

6 Q. Okay. You had just seen the cars, is that
7 how you knew that those officers existed?

8 A. Yes.

9 Q. Had you ever seen a Metra police officer
10 prior to August 30, 2007?

11 A. No.

12 Q. Had you seen police officers other than
13 Chicago police prior to August 30, 2007?

14 A. Yes.

15 Q. And on those occasions where you've seen
16 other officers, have they always had a uniform of
17 sorts?

18 A. Yes.

19 Q. Those officers also wore badges on the
20 outside of their uniforms?

21 A. Yes.

22 Q. Does your dad carry any sort of weapons
23 with him other than the dog that he might have?

24 A. Well, all police have guns.

1 Q. Okay. Does your father have a baton?

2 A. I don't recall.

3 Q. Do you know what a baton is?

4 A. Yes. I've seen what they look like.

5 Q. You've seen them before August 30, 2007?

6 A. Yes.

7 Q. And on occasions where you've seen police
8 officers who are not Chicago police, those officers
9 also carry guns?

10 A. Yes.

11 Q. Did you observe whether those officers
12 carried batons?

13 A. No.

14 Q. Were those officers wearing -- strike
15 that.

16 All right. The 7-11 where you encountered
17 Miss Coleman, that address is about 151 North
18 Michigan Avenue?

19 A. Yes.

20 Q. Miss Coleman you said was black in terms
21 of her race?

22 A. Yes.

23 Q. And when you first encountered her, there
24 was no one else with her, true?

1 A. Yes.

2 Q. The complaint on Page 2, Paragraph 9,
3 indicates, "while he was walking on the street
4 Matthew was accosted and confronted by a 'homeless
5 person' later identified as Deborah Coleman, an
6 African American woman of indeterminate adult
7 middle age. Coleman was also accompanied by two
8 other homeless persons when she confronted
9 Matthew."

10 Did I read that correctly?

11 A. Yes.

12 Q. Why did you think Miss Coleman was
13 homeless?

14 A. Well, she was begging.

15 Q. Well, you indicated she asked you for
16 money, true?

17 A. Yes.

18 Q. How much did she ask you for?

19 A. A quarter.

20 Q. Okay. Where were you standing in relation
21 to her when she asked you that?

22 A. Say the window and I was walking by. Kept
23 walking, I never stopped at all.

24 Q. Okay. When you say the window, the window

1 is approximately where Miss Coleman was standing?

2 A. Say the doorway, I was about right about
3 here walking by. She was standing there.

4 Q. And about how far away is that, would you
5 say it's 8 feet?

6 A. It was not on the curb -- she was in front
7 of the store. I was not in the street, but right,
8 you know, on the sidewalk.

9 Q. I just want to try describe for the court
10 reporter because when you're reading this
11 transcript, no body else reading it is going to
12 have an understanding of the room.

13 So when you passed by Miss Coleman, the
14 distance between you is approximately from the
15 window in this room to where you're seated now,
16 true?

17 A. Yes, yes.

18 Q. Would you agree with me that's
19 approximately 6 feet?

20 A. Yes.

21 Q. Okay. In other words, from where you were
22 in relation to Miss Coleman when she asked you for
23 money, you couldn't just reach out and touch her
24 from where you were?

1 A. Correct.

2 Q. And at the time that Miss Coleman asked
3 you for change, did anyone join her at that point
4 in time?

5 A. No.

6 Q. So Miss Coleman asked you for money. I'm
7 sorry. I know I asked you this just a second ago,
8 but I've already forgotten.

9 Did she ask for a particular amount?

10 A. Yes.

11 Q. What did she ask for?

12 A. A quarter.

13 Q. Okay. Did you have a quarter on you?

14 A. No.

15 Q. You used your last quarter when you made
16 your phone call back at Bennigan's?

17 MR. FITZSIMMONS: Objection. That's not the
18 testimony.

19 MS. MAYHEW: No, I said, did you.

20 THE WITNESS: I do not recall.

21 BY MS. MAYHEW:

22 Q. Is it fair to say that at the time you
23 encountered Miss Coleman the only money you still
24 had on you was the two dollars you realized you had

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1 when you were on your way to the Metra train?

2 A. Yes.

3 Q. All right. So Miss Coleman asked you for
4 a quarter. You were walking by.

5 Did you stop when she asked you for a
6 quarter?

7 A. No.

8 Q. You continued to walk southbound?

9 A. Yes.

10 Q. Was she still -- was she shaking her cup
11 at that time?

12 A. Yes.

13 Q. Okay. Did you say anything to
14 Miss Coleman in response to her asking for quarter?

15 A. Yes.

16 Q. What did you say?

17 A. I said, no, I do not have one; can you
18 give me one.

19 Q. Why did you ask Miss Coleman if she could
20 give you a quarter?

21 A. Because I did need one. I needed one.

22 Q. What did you need one for?

23 A. If I had 2.25 then I could get a transfer.

24 Q. Talking about a transfer on the train?

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1 A. Train and bus.

2 Q. So is it fair to say that at the time you
3 decided you were going to need to take the Blue
4 Line from Clark and Lake, you actually still did
5 not have enough money for the total fare to
6 actually take public transportation all the way
7 home?

8 A. No. I did have enough money.

9 Q. Okay. So you didn't really need to take
10 the bus?

11 A. No, but it would have gotten me home
12 quicker.

13 Q. And when you said, "no, I do not have one;
14 can you give me one", were you continuing to walk
15 at that point?

16 A. Yes.

17 Q. Did Miss Coleman say anything to you in
18 response?

19 A. No.

20 Q. When you said, no, I do not have one; can
21 you give me one, was Miss Coleman still by herself
22 at that point in time?

23 A. Yes.

24 Q. Okay. You've been downtown in the Loop

1 prior to August 30, 2007, true?

2 A. Yes.

3 Q. You've encountered people on the streets
4 prior to August 30, 2007, who were asking for
5 change or money or food, true?

6 A. No.

7 Q. No, okay.

8 So August 30, 2007, this is the first time
9 you've encountered anyone on any Chicago street
10 asking for money; is that your testimony?

11 A. On Chicago streets, yes. By downtown you
12 mean or you mean the surrounding?

13 Q. Okay. Fair enough. Let's talk about --

14 A. I've encountered, yes, yes.

15 Q. Okay. Just so it's clear, I'll go ahead
16 and just specify?

17 A. Yes, but never down in the vicinity of the
18 Loop, no.

19 Q. Okay. In the Chicagoland area you have
20 had occasion prior to August 30, 2007, where you've
21 encountered people on the streets asking for money?

22 A. Yes.

23 Q. Okay. And on approximately how many
24 occasions have you encountered people in the

1 Chicagoland area on the Chicago streets asking for
2 money prior to August 30, 2007?

3 A. Do not recall.

4 Q. Was it more than once?

5 A. Yes.

6 Q. More than half a dozen times?

7 A. Cannot recall.

8 Q. Have you heard stories from any of your
9 friends where they've indicated to you they've
10 encountered people on the streets, the Chicago
11 streets, asking for money?

12 A. No.

13 Q. Have you yourself ever been asked for
14 money from someone on the Chicago streets prior to
15 August 30, 2007?

16 A. Yes.

17 Q. And was that someone who was unknown to
18 you?

19 A. Yes.

20 Q. Was that someone who you believed at the
21 time to have been homeless?

22 A. Yes.

23 Q. On that occasion prior to August 30, 2007,
24 when someone you believed was homeless had asked

1 you for money, did that person threaten you
2 physically in any way?

3 A. No.

4 Q. Have you ever had occasion to be on the
5 Chicago streets and encounter anyone selling a
6 periodic called Streetwise prior to August 30,
7 2007?

8 A. Yes.

9 Q. Okay. You've heard of Streetwise?

10 A. Yes.

11 Q. Do you know the types of people who is
12 entitled to actually sell Streetwise?

13 MR. FITZSIMMONS: I would object to this line
14 of questioning. It has nothing to do with the
15 begger in front of the 7-11. It's completely
16 irrelevant.

17 You can gay ahead and answer the question.

18 THE WITNESS: No, I do not know the types of
19 people that work for them.

20 BY MS. MAYHEW:

21 Q. On occasion when you've encountered people
22 who were selling Streetwise, have they ever asked
23 for money outside of payment for Streetwise?

24 A. I know of Streetwise. No one's ever asked

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1 me to buy Streetwise, though.

2 Q. When Deborah initially asked you for a
3 quarter, how did she ask it? Was it an actual
4 question? Was it a demand?

5 A. Like, can I get a quarter. So, yeah, it
6 was a question.

7 Q. Okay. What was her tone like?

8 A. Loud. She wasn't being aggressive,
9 though, but it was, you know . . .

10 Q. All right. You indicated that you said,
11 no, I don't have one; can I have one. You
12 continued walking; and Miss Coleman made no verbal
13 response, true?

14 A. Yes.

15 Q. Did you have anything in your hands as you
16 were walking past Miss Coleman?

17 A. No, ma'am.

18 Q. In this area where the 7-11 is, are there
19 any, I don't know, vegetation along the street,
20 trees, things like that, that the city sometimes
21 fences off?

22 A. There was these big old flower pots.

23 Q. Okay. Where were the flower pots located
24 in relation to the 7-11? Were they at the edge of

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1 the sidewalk as close to Michigan Avenue as
2 possible? Were they right up next to the building
3 the 7-11 was in?

4 A. Close to the street.

5 Q. When you encounter Miss Coleman as you
6 were walking southbound on Michigan Avenue, I know
7 you indicated she was standing; but was there any
8 sort of stool, chair, rock, anything available
9 there for her to sit on?

10 A. Do not recall.

11 Q. Did she have any sort of cane or assistive
12 walking device with her?

13 A. Do not recall. She didn't have a cane,
14 though. I know that.

15 Q. She did?

16 A. She didn't.

17 Q. Did not have a cane.

18 All right. So when you indicate in the
19 complaint that you were accosted and confronted by
20 Miss Coleman, what do you mean by accosted?

21 A. Those are the words my lawyer put down.
22 You want me to put it in my own words?

23 Q. Yeah. What in your mind is accosted in
24 terms of --

1 A. After I kept walking, then all of a sudden
2 I heard, you want to get stabbed you mother fucker;
3 and then I turned around.

4 Q. Where were you when you heard, you want to
5 get stabbed you mother fucker?

6 A. They have the Diamond building down at the
7 corner of Michigan and Randolph, you know, the
8 Diamond building, right basically in front of that
9 building, a little, you know, before you get to
10 that building. A flower pot was behind me.

11 Q. All right. So you continued walking
12 southbound on Michigan Avenue until you reached the
13 corner approximately of Michigan and Randolph in
14 front of the Diamond building?

15 MR. FITZSIMMONS: That's not what he said. I'm
16 going to object to that. Rephrase that. That
17 recharacterizes his statement. You can have the
18 court reporter read back specifically what he said.
19 He did not say that.

20 MS. MAYHEW: Are you instructing him not to
21 answer the question?

22 MR. FITZSIMMONS: Just making that objection
23 for the record. If he can answer that question,
24 fine. If he can't answer the question because

1 that's not what he said, he'll tell you.

2 THE WITNESS: I was not at the corner. The
3 Diamond building is -- you got the building and
4 then there's like an area where you can walk and
5 turn, and then the corner. It's kind of a good
6 amount of room.

7 BY MS. MAYHEW:

8 Q. Okay. This is a building -- is this a
9 building where -- the building itself ultimately
10 kind of takes up that corner lot; but there's I
11 guess sort of an entrance that's carved off that
12 allows for quite a bit of distance from when you
13 actually enter that door to the corner?

14 A. I believe so.

15 Q. Okay. And is that particular area, kind
16 of I guess directly in front of that Diamond
17 building where the door is, is that a covered area
18 or is it open?

19 A. I don't recall.

20 Q. Okay. How much time passed from when you
21 last spoke to Miss Coleman outside of the 7-11 to
22 when you reached the Diamond building?

23 A. Five, ten seconds. It's like right there.

24 Q. Is it the building that's immediately

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1 adjacent to the building the 7-11 is in?

2 A. There's shops. I mean, it's like 7-11,
3 and then I don't know what else is there now. And
4 it's right there.

5 Q. As you were walking southbound on Michigan
6 Avenue away from Miss Coleman, did you hear her or
7 anyone behind you pick anything up, break any
8 branches off any trees or anything like that?

9 A. No.

10 Q. Were there other people walking around in
11 the area when you heard, you want to get stabbed
12 you mother fucker?

13 A. Yes.

14 Q. Did you know any of these people?

15 A. No.

16 Q. Okay. These other people, were there some
17 who were just regular pedestrians passing by in the
18 area?

19 A. Yes.

20 Q. Did any of those people passing by give
21 any sort of indication that they heard this
22 statement, you want to get stabbed you mother
23 fucker?

24 A. I don't know. I'm not them. I don't know

1 if they heard it or not.

2 Q. Was there anything you observed about
3 these people passing by that would give you the
4 idea that they heard it? You know, did they stop
5 and stare? Did they say, look out, anything like
6 that?

7 A. You could see from across the street on
8 the east side of Michigan Avenue. You could see it
9 all around.

10 Q. Well, I guess what I'm asking is was there
11 anyone who actually said anything, shouted anything
12 that you heard such as, look out or watch out or
13 anything of that nature?

14 A. If they did yell it, I didn't hear it.

15 Q. Do you actually know whether it had
16 actually been shouted in the area by anyone?

17 A. No, I don't know.

18 Q. So you heard the statement, you want to
19 get stabbed you mother fucker; and that caused you
20 to turn around?

21 A. Yes.

22 Q. All right. When you turned around, were
23 you now facing northbound on Michigan Avenue?

24 A. Yes.

1 Q. All right. Prior to that you had been
2 facing southbound because you were headed toward
3 Randolph, true?

4 A. Yes.

5 Q. Okay. So you were facing northbound. You
6 indicated there was a flower pot behind you?

7 A. Yes. Like not directly behind me, but,
8 you know, behind me to the right, yes.

9 Q. Was this behind you to the right after you
10 turned around to be facing northbound?

11 A. Yes.

12 Q. When you turned around and were facing
13 northbound on Michigan Avenue while you were
14 outside the Diamond building, what did you see?

15 A. I saw two women coming at me.

16 Q. Was one woman Miss Coleman?

17 A. Yes.

18 Q. The other woman, had you seen her in the
19 vicinity prior to you leaving Miss Coleman at the
20 7-11?

21 A. No.

22 Q. Do you know where this other woman came
23 from?

24 A. No.

1 Q. As you were walking away from Miss Coleman
2 did you hear Miss Coleman say anything to anyone
3 else?

4 A. No.

5 Q. What did this other woman look like?

6 A. 35 to 40, female, black, short. What
7 else?

8 Q. When you say short?

9 A. 5'3". She was not like 6'8".

10 Q. She was shorter than Miss Coleman?

11 A. Yes.

12 Q. She was shorter than you?

13 A. Yes.

14 Q. Miss Coleman was shorter than you?

15 A. I would say so. I mean . . .

16 Q. And what about this short, black female,
17 was she fat, skinny, stocky?

18 A. She wasn't like 300 pounds. I don't know
19 how much she weighed. She was not -- yeah, she was
20 kind of skinny, you know, not as skinny as Miss
21 Coleman.

22 Q. Maybe about an average weight?

23 A. Sure.

24 Q. Okay. All right. So you turned around

1 and were facing northbound, you saw Miss Coleman
2 and this other unknown woman. At any time did
3 Miss Coleman or anyone else shout a name that this
4 other black female responded to?

5 A. I don't recall that.

6 Q. Okay. So you never heard this woman's
7 name; you have no idea what her name might be?

8 A. No.

9 Q. All right. And when you saw Miss Coleman
10 and this other unknown female, what were they
11 doing?

12 A. They were walking at me. Miss Coleman had
13 a knife on her.

14 Q. When did you first observe the knife?

15 A. She was about -- she was walking at me.
16 She was holding it out right away. When I turned
17 back, I saw it.

18 Q. What did the knife look like?

19 A. Your standard knife, not like a butter
20 knife or a steak knife. It was one of those knives
21 that looked like it opened up like that.

22 Q. Like a pocket knife?

23 A. Bigger than that.

24 Q. Did it look like a switch blade, the kind

1 of knife that you still have to open up?

2 A. It looked like a knife that if she cut
3 me -- not like a pocket knife. If you cut someone
4 with a pocket knife -- if she stuck me, it would
5 mess me up. It was a good size knife.

6 Q. Now, I got to tell you, in the complaint
7 there's no reference to a knife.

8 A. In my complaint?

9 Q. In the complaint that was filed in this
10 case there's no reference to a knife. Why is there
11 no reference to a knife?

12 A. When you talk about the complaint, you're
13 talking about this?

14 Q. Exhibit Number 2, the complaint that's
15 been filed in federal court.

16 A. I don't know. It gets right to the thing
17 about the guy coming at me. I don't know why it
18 doesn't have the woman in here.

19 Q. Miss Coleman had the knife. Was the
20 shorter woman carrying anything else?

21 A. No. The other woman didn't have anything
22 on her.

23 Q. What was the other woman doing when
24 Miss Coleman --

1 A. Just with her.

2 Q. So this other woman was actually just
3 standing next to Miss Coleman?

4 A. She was walking with her at me like she
5 was going to do something, too; but she didn't have
6 anything in her hand.

7 Q. What did you think this woman was going to
8 do to you, not Miss Coleman, the shorter 5'3"
9 woman?

10 A. Attack me.

11 Q. Did the shorter woman say anything to you?

12 A. No. Miss Coleman was doing all the
13 talking.

14 Q. Looking at Page 2, Paragraph 9, where it
15 talks about Miss Coleman was accompanied by two
16 other homeless persons, just so I am clear,
17 Miss Coleman was alone up until the point where you
18 were by the Diamond building, turned around, as far
19 as you knew that was the first time she had any one
20 else with her?

21 A. Yes.

22 Q. Okay. And at that time it was only the
23 shorter woman, true?

24 A. Yes.

1 Q. Okay. So where's the third person come
2 in?

3 A. I turned around. Miss Coleman was holding
4 the knife. Her friend was staring at me; and I
5 observed to my left, kind of like towards by the
6 entrance of the 7-11 a male, black, running at me,
7 running in the direction where we were.

8 Q. Do you know if this male, black, knew
9 Miss Coleman?

10 A. I assumed. He had a long white object and
11 was swinging at me, started to come at me and swung
12 at me.

13 Q. I know you assumed, but do you actually
14 know whether this man knew Miss Coleman?

15 A. No, but he was coming to her defense, so
16 more than likely he knew her.

17 Q. Now, you say coming to her defense, let me
18 ask this question.

19 Why do you think he was coming to
20 Miss Coleman's defense if she was armed with a
21 knife?

22 A. Do more damage to me. Like a knife, you
23 could -- she could have stabbed me, but I still
24 could have done something. So he was coming to

1 inflict more damage to me, so, I mean, to put me
2 down.

3 Q. That's just what your impression was at
4 the time, true?

5 A. Yes.

6 Q. Okay. Because he hadn't actually reached
7 you and Miss Coleman and this other woman when you
8 initially turned around and were facing northbound,
9 true?

10 A. No, but he was sprinting; and I know he
11 wasn't running to attack them.

12 Q. Why do you know that?

13 A. Because it's just -- I never saw him; and
14 I figured this woman, her other friend came out of
15 nowhere --

16 MR. FITZSIMMONS: We're going to go off the
17 record right now.

18 (Whereupon, a discussion was had
19 off the record.)

20 MR. FITZSIMMONS: I've just called attention to
21 counsel's fact that this Officer Geanes at the end
22 of the table has received two telephone calls
23 during the course of the deposition in the
24 deposition room, and now he's sitting there openly

1 laughing at my client. I just informed Ms. Mayhew
2 that Officer Geanes goes right now or we terminate
3 the deposition and we come back with a court order.
4 We pick one or the other, Counsel.

5 MS. ROSEN: Well, hold on one second. No,
6 we're not going to pick one or the other.

7 MR. FITZSIMMONS: I have picked one then.

8 MS. ROSEN: We're going to call the Court.

9 MR. FITZSIMMONS: No, you can call the Court,
10 ma'am.

11 MS. ROSEN: Joe, let me make --

12 MS. MAYHEW: Actually there's a question
13 pending which he was not finished answering. If he
14 could please finish answering the question.

15 MS. ROSEN: And then we'll make our record.

16 THE WITNESS: I'll answer. All right. First
17 it was Miss Deborah Coleman, okay. It was just her
18 on the street. Then I observed her and another
19 woman who just came out of nowhere. So why -- when
20 I observed that guy coming, I figured he was with
21 them, too, you know. The other woman came out of
22 nowhere. Then he came out of nowhere, so I figured
23 they're coming, you know, attack me.

24 MR. FITZSIMMONS: Are you done with your

1 answer?

2 MS. ROSEN: Why don't we take a few minutes.
3 Why don't we take a couple minutes break, and what
4 we're going to do is talk about this.

5 THE WITNESS: Can we just finish it?

6 MR. FITZSIMMONS: We'll take a couple minutes
7 break.

8 (Whereupon, a short break was
9 taken.)

10 MR. FITZSIMMONS: Back on the record. Let the
11 record reflect that counsel -- both counsel and I
12 have had a conversation during the short break.
13 Counsel has assured me and the plaintiff that we
14 will be able to proceed without further incident;
15 is that correct?

16 MS. ROSEN: We're not going to have incident
17 here at all. We're going to proceed civilly.

18 MR. FITZSIMMONS: Thank you.

19 MS. MAYHEW: Off the record.

20 (Whereupon, a discussion was had
21 off the record.)

22 BY MS. MAYHEW:

23 Q. All right. Mr. Granberg, the complaint
24 indicates that both the two people accompanying

1 Miss Coleman were homeless persons. How do you
2 know they were homeless, the short woman and then
3 this gentleman?

4 A. I assumed they were homeless.

5 Q. Had either of them asked you for any
6 money?

7 A. Deborah Coleman.

8 Q. Had either the shorter woman or the man
9 asked you for any money?

10 A. No, ma'am.

11 Q. At any time while you were with
12 Miss Coleman, this gentleman and this shorter
13 woman, did you ever call any of them a nigger?

14 A. No.

15 Q. Had you heard that term used before?

16 A. Yes.

17 Q. You know what that term means?

18 A. Yes.

19 Q. Had you ever used the term before?

20 A. No.

21 Q. You've heard other people use the term
22 prior to August 30, 2007?

23 A. Yes.

24 Q. Okay. Going to Page 3 of the complaint,

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1 Paragraph 10, it says, all three attacked Matthew
2 and expressed statements and utterances implying
3 that all three intend to take property, in
4 parenthesis, including money, end parenthesis, from
5 Matthew by the use of force.

6 What statements or utterance did the short
7 woman make that implied to you she was intending to
8 take property, including money, from you by force?

9 A. She didn't say anything.

10 Q. Okay. So the short woman never said
11 anything to you at all?

12 A. No, but she was with Miss Coleman leading
13 me to believe that she was working with her to
14 do -- cause harm to me.

15 Q. I understand that, but I want to take each
16 of them individually at the moment, okay?

17 A. Okay.

18 Q. So just so I'm clear, the short woman
19 never actually said anything to you at all, true?

20 A. That I recall, yes.

21 Q. Okay. And the gentleman, did he say
22 anything to you at all?

23 A. Yes.

24 Q. What did he say?

1 A. Like I'm going to get you mother fucker,
2 like he was coming running at me.

3 Q. He shouted --

4 A. I was more focused on her. She had the
5 knife, and then I seen him. It was going back and
6 forth. I didn't know what was going to go on.

7 Q. The other gentleman was shouting stuff as
8 he was running towards where you were standing with
9 Miss Coleman and the other female?

10 A. Yes.

11 Q. Did he ever say anything that actually
12 indicated to you that he planned on taking property
13 from you, including money?

14 A. No.

15 Q. Okay. What did Miss Coleman say to you
16 that indicated she wanted to take property,
17 including money, from you by use of force?

18 A. Can you repeat the question?

19 Q. What did Miss Coleman say to you that
20 indicated to you that she intended to take
21 property, including money, from you by force?

22 A. I mean, you don't just come up to someone
23 with a knife if you're not going to try to get
24 something from them. What else is there?

1 Q. Did she say anything like, give me all
2 your money, give me your wallet, give me your
3 watch, anything like that?

4 A. No. It wasn't like, give me all your
5 money, put your hands up. It was nothing like
6 that. She was coming at me.

7 Q. What was the last statement Miss Coleman
8 made to you before the gentleman -- strike that.

9 Did the gentleman actually arrive at where
10 you were standing with Miss Coleman and the short
11 woman?

12 A. Yes.

13 Q. Okay. What was the last thing
14 Miss Coleman said to you before the gentleman
15 actually arrived at the location where you were
16 standing?

17 A. A bunch of curse words.

18 Q. Okay. What was she saying?

19 A. Mother fucker, you know, fuck head, white
20 boy, you think you can come down here, you know.
21 It was not like she was putting sentences together
22 saying, you know, you piece of shit. It was just
23 swearing at me, yelling; and it was confusion.

24 Q. While Miss Coleman was swearing at you,

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1 was she standing still, moving forward, moving
2 backwards? What was she doing?

3 A. She had the knife like this.

4 Q. Was she actually moving the knife forward
5 in a stabbing motion towards you?

6 A. Yes. If she wanted to stab me, she -- if
7 she really wanted to come at me, she definitely
8 could have.

9 Q. How long were you standing there with
10 Miss Coleman while she was holding the knife?

11 A. 15, 20 seconds.

12 Q. Now, during that time were you saying
13 anything to Miss Coleman?

14 A. No.

15 Q. Okay. Did you say anything to the short
16 woman that she was with?

17 A. No.

18 Q. Did you say anything to the gentleman when
19 he arrived?

20 A. No.

21 Q. What did he look like?

22 A. Male, black, 30, 40, husky, 5'9".

23 Q. And you said he actually had something in
24 his hand, too?

1 A. Yes.

2 Q. What did he have in his hand?

3 A. From what had I observed, it was -- I
4 don't know what it was; but it was a white, looked
5 kind of like a leg of a chair. I don't know what
6 it was.

7 Q. He already had that in his hands when you
8 first saw him; is that a fair statement?

9 A. When he came running, yes, he had it in
10 his hands.

11 Q. Okay. Now, you said that he came out of
12 nowhere, so you have no idea where he actually came
13 from?

14 A. I believe he came from the area of the
15 7-11.

16 Q. Okay. Did you see --

17 A. Not like he cut across the street. I
18 looked to my left, and there he was coming.

19 Q. Okay. Going back to Paragraph 10 on
20 Page 3, the last sentence of that says, during this
21 attack one of the attackers was armed with a wooden
22 stick with which the attacker, a male person,
23 attempted to strike Matthew.

24 The wooden stick, is that this white thing

1 that you were talking about that this gentleman
2 had?

3 A. Yes, yes. It wasn't like a branch of a
4 tree, though. If he hit me, it could have done
5 damage to me.

6 Q. About was it round, square, rectangular?

7 A. Rectangular, you know, you know.

8 Q. Okay. About how wide was it?

9 A. 4 feet long, 3 to 4 feet long, you know.
10 It was not huge, but it -- I don't know, 6 inches.

11 Q. The knife that Miss Coleman had, what hand
12 was it in?

13 A. I do not recall.

14 Q. Okay. How long was the blade?

15 A. Again, it was not -- it was not like a
16 little knife. Okay. I don't know how long the
17 blade was; but if she stabbed me, it would have
18 done harm to me.

19 Q. Was it more than 6 inches, less than
20 6 inches?

21 A. Yes, more than 6 inches.

22 Q. Was it serrated or smooth?

23 A. I do not recall.

24 Q. You know what serrated is?

1 A. Could you please tell me?

2 Q. Okay. Like you've seen a steak knife that
3 sometimes has little edges on it?

4 A. Oh, yes, it had those.

5 Q. Were you able to see the handle of the
6 knife?

7 A. No. It was not like a butter knife,
8 though, so I assume it had those ridges in it.

9 Q. Where was the cup that Miss Coleman had
10 previously been holding?

11 A. I do not know.

12 Q. Okay. She didn't still have that in her
13 other hand?

14 A. No.

15 Q. Did Miss Coleman actually attempt to stab
16 you?

17 A. Yes.

18 Q. Okay. How long had you been standing
19 there before she actually attempted to stab you?

20 A. She was moving it back and forth. She
21 didn't come, you know -- I backed up each time she
22 tried to do it.

23 Q. When you initially turned around and were
24 facing northbound and saw Miss Coleman with a

1 knife, how far away from you was she standing?

2 A. She was walking at me.

3 Q. Okay. So when you first saw her and she
4 was still walking at you while holding the knife,
5 how far away from you was she when you first saw
6 her?

7 A. 5 to 10 yards.

8 Q. Okay. And you were able to see the knife
9 at that point?

10 A. Yes.

11 Q. So why didn't you run then?

12 A. Well, you look back, and, you know, it's
13 like they're coming at you. It's like what, am I
14 going to run? I don't know. I don't know why I
15 didn't run.

16 Q. You didn't scream for help then?

17 A. No.

18 Q. Was there anyone else on the street you
19 heard scream, she's got a knife, anything like
20 that?

21 A. No.

22 Q. What about when this gentleman had the
23 white, long, rectangular stick, did he actually
24 swing that at you?

1 A. Yes.

2 Q. What part of your body did he swing it at?

3 A. My head.

4 Q. Was he holding it in one hand, both hands?

5 A. I don't recall.

6 Q. Okay. And I think you previously said
7 that you had been standing there for was it 10 to
8 15 seconds before this gentleman actually arrived
9 to where you had been with Miss Coleman and this
10 other woman; is that accurate?

11 A. Yes.

12 Q. Okay. When he got there, did he swing at
13 you immediately?

14 A. Yes.

15 Q. Did he say why he was going to swing at
16 you?

17 A. He was yelling the whole way when he was
18 running, so he was -- I believe he was coming to
19 her like, you know, like he was coming to her aid.

20 Q. Do you have any idea if this man saw you
21 and your encounter with Miss Coleman while she was
22 outside the 7-11?

23 A. I do not have any idea.

24 Q. Okay. Paragraph 10 says that the attacker
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1 attempted to strike you.

2 Did the stick actually make contact with
3 any part of your body?

4 A. No, no.

5 Q. Did the knife ever make any contact with
6 any part of your body?

7 A. No.

8 Q. Other than the gentleman with the stick
9 and Miss Coleman with the knife, did this shorter
10 woman have anything that she attempted to strike
11 you with?

12 A. No.

13 Q. Did any of them ask for your wallet,
14 money, anything that you had, other than when
15 Miss Coleman initially asked for a quarter back in
16 front of the 7-11?

17 A. Not -- they didn't ask for my money. They
18 didn't say, can I have your money. But they
19 were -- I mean, why else you going to stab someone,
20 unless you're trying to get whatever they have. Or
21 if they like, you know, if I attack them, then I
22 understand why they would stab me. The only other
23 reason I could think of them coming to stab me is
24 it to rob me.

1 Q. Okay. Did any of -- did you smell alcohol
2 on any of them?

3 A. I don't recall.

4 Q. Did any of them, either the short woman,
5 Miss Coleman or this man, say or do anything that
6 gave you the impression that they were under the
7 influence of anything?

8 A. No. Other than the loud swearing and
9 everything, but it didn't -- that doesn't really
10 say anything that they were drunk or anything.

11 Q. You've heard people swear who were not
12 under the influence of anything?

13 A. Of course.

14 Q. All right. Looking at Paragraph 11, it
15 says, after being assaulted with the wooden stick
16 Matthew seized the weapon and defended himself.
17 Nevertheless, Deborah Coleman stood her ground and
18 continued to attempt to harm and rob Matthew.

19 Did I read that correctly?

20 A. Yes.

21 Q. All right. So the gentleman with the
22 stick took a swing at your head, true?

23 A. Yes.

24 Q. Did you duck?

1 A. No. I moved back, and then I grabbed it
2 from him.

3 Q. Okay. So when the gentleman took a swing
4 at your head with the stick, you leaned backwards,
5 true?

6 A. Yes.

7 Q. You said you took the stick from him. Had
8 you leaned forward again or what did you do to
9 actually make contact with the stick?

10 A. No. When he swung at me I leaned back,
11 but he left himself open; and it was out there. So
12 I grabbed it from him, and then I struck him.

13 Q. Have you ever had any martial arts
14 training?

15 A. No.

16 Q. Have you ever had any self-defense
17 classes?

18 A. No.

19 Q. Have you ever learned anything from your
20 dad, practice with your dad, anything on how to
21 disarm someone?

22 A. No.

23 Q. Did you ever have any sort of training of
24 how to take a weapon away from somebody?

1 A. No, ma'am.

2 Q. Have you ever had an occasion where you've
3 had to take a weapon or something like a stick away
4 from someone who was brandishing it in an attacking
5 manner?

6 A. No, ma'am.

7 Q. Now, when you took the stick away from the
8 man, was Miss Coleman still holding the knife?

9 A. Yes.

10 Q. And you took the stick and then swung it
11 at the man?

12 A. Yes.

13 Q. All right. So when this says, Deborah
14 Coleman stood her ground and continued to attempt
15 to harm and rob Matthew, what was she doing when
16 you were taking the stick away from the man?

17 A. She was here. He was here. I hit him.
18 She was there the whole time. I don't know what
19 she was doing. I just hucked it at her. I hit
20 him. He went down. And I knew she was there with
21 the knife the whole time, and I was open the whole
22 time. Like she could have totally hit me. When I
23 hit him, she could have came and got me. And I
24 knew she was there the whole time, so I threw it at

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